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 8 Defined Benefit Pension Plan

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18 Attorneys for Defendants,
 HAWK MANAGEMENT L.P., HWC LLC,
 19 DAVID S. CALLAN, and RICHARD SCOTT WILLIAMS

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA -- SAN FRANCISCO DIVISION**

23 RICHARD LIEBERMAN, as an
 individual and as Trustee of the Richard
 24 Lieberman, M.D. APC Defined Benefit
 Pension Plan,

25 Plaintiff,

26 vs.

27 HAWK MANAGEMENT L.P.; HWC
 28 LLC; DAVID S. CALLAN, an individual;
 RICHARD SCOTT WILLIAMS, an

) Case No. CV 10-00492 WHA

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER RE DISMISSAL**
) **WITHOUT PREJUDICE OF**
) **ACTION**

Case No. CV 10-00492 WHA

STIPULATION AND ~~PROPOSED~~ ORDER RE DISMISSAL WITHOUT PREJUDICE OF ACTION

1 individual; and DOES 1 through 10,)
2 Defendants.)
3 _____)

4 Whereas Defendants Hawk Management L.P, HWC LLC, David S. Callan,
5 and Richard Scott Williams (collectively “Defendants”) have filed a Motion to
6 Dismiss Pursuant to Federal Rules of Civil Procedure 12(b)(2) & 12(b)(3), or in the
7 Alternative to Transfer.

8 Whereas Plaintiff Richard Lieberman, as an individual and as Trustee of the
9 Richard Lieberman, M.D. APC Defined Benefit Pension Plan (“Plaintiff”) disputes
10 the merits of Defendants’ Motion, but does not object to having the underlying
11 dispute heard in Pennsylvania.

12 THE PARTIES BY AND THROUGH THEIR COUNSEL OF RECORD
13 STIPULATE AS FOLLOWS:

- 14 1. Plaintiff hereby dismisses the action as to Defendants without prejudice.
- 15 2. Defendants have agreed that any and all statutes of limitations for
16 causes of action that are contained in or could have been contained in the above-
17 captioned action shall be tolled from the date of the filing of the above-captioned
18 complaint in the Superior Court for the State of California in the City and County of
19 San Francisco on December 22, 2009, until April 23, 2010.
- 20 3. Each party shall bear its own costs and attorney fees.

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22 Dated: February 18, 2010 LINER GRODE STEIN YANKELEVITZ
23 SUNSHINE REGENSTREIF & TAYLOR LLP

24
25 By: /s/ Jeffrey Nussbaum
26 Jeffrey Nussbaum
27 Kim Zeldin
28 Attorneys for Plaintiff,
RICHARD LIEBERMAN, as an individual
and as Trustee of the Richard Lieberman,
M.D. APC Defined Benefit Pension Plan

